

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-16 were pending in this application. In this Amendment, claims 1-2, 6-8, and 12-15 have been amended and no new matter has been added. Accordingly, upon entry of this Amendment, claims 1-16 will remain pending.

In the Office Action mailed January 23, 2009, the Examiner objected to claim 2 as lacking antecedent basis for a claim term and objected to claims 6-8 and 13-15 for multiple claim dependency. The Examiner rejected claims 1-16 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,813,990 to Ryll ("Ryll").

In this Amendment, Applicants have amended claims 2, 6-8, and 12-15 to address the claim objections and other matters of form.

Applicants have also amended the independent claims 1 and 2 to clarify features of the invention distinguishable over the prior art. As recited in amended claims 1 and 2, the present invention provides a fatigue relief supporting apparatus comprising a main body that can be worn on a user's head. Embodiments of the present invention disclosed in the figures are arranged as a structure that resembles eyeglasses, configured to be worn in the manner of known eyeglasses. As depicted in Figures 1 and 11, for example, a display (e.g., 1L, 1R, 101L, 101R) is arranged on a lower part of the glasses frame. When the glasses are worn on a user's head, the display is disposed below the eyes. Thus, as recited in both amended claims 1 and 2, when the main body is worn on the user's head, the display (display member or light emitting section) is disposed below a line joining the user's eyes.

As described in paragraphs [0013]-[0018] of the present specification, looking down below a horizontal line of sight stimulates the parasympathetic nervous system. This configuration of the invention whereby the display is located below a line joining the user's eyes, thus provides a mechanism for relieving fatigue by displaying images or light that a user's eye can follow when looking down when the fatigue relief supporting apparatus is worn on the user's head.

The invention further provides, as recited in amended claim 1 (and similarly in amended claim 2), that the display member is configured to be "provided on or in said main body in such a manner that the display member is not clearly visible for said user when said user wearing said main body on his or her head looks straight ahead, and that the display member becomes clearly visible for said user when said user moves his or her eyes down."

Thus, the invention provides a novel device that facilitates performing everyday tasks with an unimpaired view when looking forward, while conveniently providing a means to relieve fatigue that may be induced by performing tasks, such as continuous viewing of a personal computer screen or television. In other words, the present invention allows a viewer to view, without interference or obstruction, a computer screen or other object by looking straight ahead. When the user wishes to relax, the user merely activates the display and looks down below an imaginary line between the user's eyes to observe and follow objects generated on the display.

In contrast, the device disclosed in Ryll is configured completely differently from that of the present invention, and operates in a manner completely different from that of the present invention. Although Figure 2 of Ryll discloses a sports goggle 20 that includes a display 48, the display 48 is located in an *upper* portion of the goggle 20. The display 48 is particularly supported by a casing base 30 that is affixed above the goggle lens 22. The goggle lens 22 has a

conventional shape that rests over the top of a user's nose. It is therefore clear that, when the goggle 20 is worn, the display 48 must be located *above* a line connecting the user's eyes. This configuration is further shown in Figure 13, where the image 142 formed by the display and viewed by the user is located above the user's eye 134, so that the user is looking up to view the image, rather than down as in the present invention.

At page 3 of the Office Action, the Examiner relied upon element 48 and image 102 of Ryll as teaching the feature wherein the object image has a function that if the user looks down to follow the object image with the user's eyes, his or her fatigue is relieved. Applicants respectfully disagree. As shown in Figure 7 of Ryll, image 102 is located at a lower portion of display 48. However, as noted above, the entire display 48 is located *above* the user's eyes when the goggles 20 are worn, so even the lower part of the display (*i.e.*, image 102 in Figure 7) is above the user's eyes. Therefore, referring again to Figure 13 of Ryll, even the lower part of the display 48 that constitutes image 102, or lower part of image 142 formed on the goggles, is located above the user's eyes.

The structural differences between Ryll and the present invention are also evident from their divergent purposes. The present invention relieves fatigue, while Ryll promotes focus and concentration. As disclosed at column 9 of Ryll, the sports goggles 20 are used to provide information to a user on a display image 142, such as performance information. Thus, the device of Ryll provides a display in which a user must look up to view an image that is provided to convey information to that user. The goggles engage the *sympathetic* nervous system of the user by forcing the user to look *up* and further induce concentration in that user to interpret the information provided. This function and its associated structural configuration are entirely different from those of the present invention, which provides, for example, whimsical objects for

Serial No. 10/593,250
Art Unit: 2873
Inventor: Kiyoshi MATSUO et al.

Attorney Docket No. SUZ0038-US
Page 9

a user to follow with *downwardly* directed eyes, thereby inducing a more relaxed state by activating a *parasympathetic* nervous system.

Accordingly, the teachings of Ryll are clearly deficient with respect to the complete combination of features recited in claims 1 and 2. Applicants therefore respectfully submit that independent claims 1 and 2 are patentable over Ryll. In addition, Applicants respectfully submit that dependent claims 3-10 and 13-16 are also patentable due at least to their dependence on an allowable base claim and for the additional features recited therein.

In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

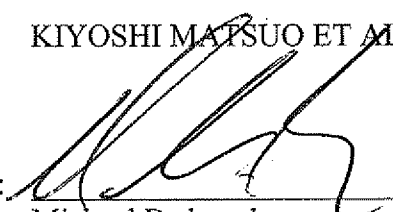
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